

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:
Michael E. Hicks

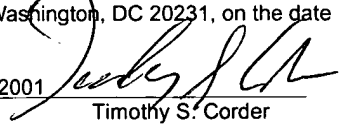
Atty. Dkt. No.: CUS545/45000

Patent No.: 6,059,140

Issued: May 9, 2000

For: INSULATED JACKET FOR A
BEVERAGE CONTAINER AND BLANK
AND METHOD FOR FABRICATING
SAME



CERTIFICATE OF MAILING 37 C.F.R 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on the date below:	
February 13, 2001 Date	 Timothy S. Corder

PETITION TO CORRECT INVENTORSHIP UNDER 35 U.S.C. § 256.

Assistant Commissioner for Patents
Washington, D.C. 20231

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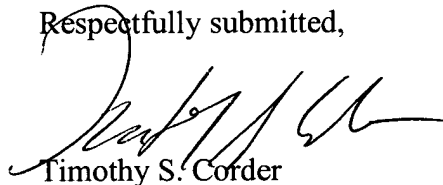
Sir:

The Commissioner is hereby requested to correct the inventorship in the captioned U.S. Patent No. 6,059,140 by removing Michael E. Hicks as inventor and adding Thomas L. Vorderkunz of Waco, Texas as sole inventor.

Attached hereto is a certificate of correction and an order of the United States District Court for the Western District of Texas as required under 37 C.F.R. §1.324. Also attached hereto is a check in the amount of \$130.00, for the fee as required under 37 C.F.R. §120(b) for correction of inventorship in a patent.

The court order states that at the time of filing of the application, Mr. Hicks believed he was the original inventor of the subject matter and so indicated without any deceptive intent, and further states that Mr. Hicks intended to deceive neither the United States Patent Office, nor any other person or entity. The order of the Court also states that Mr. Vorderkunz is the true original inventor of the subject matter, that he was unaware of the filing of the patent application, and that Mr. Vorderkunz never intended to deceive the United States Patent Office nor any other person or entity.

Respectfully submitted,



Timothy S. Corder
Reg. No. 38,414
Agent for Applicant

Vinson & Elkins L.L.P.
2300 First City Tower
1001 Fannin
Houston, Texas 77002-6760
512/495-8446

Date: February 13, 2001

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FAX FROM: Noticing - USDC-WDTX TO: 915122363422 PAGE: 1 OF 5 CONTROL: #160412-TXWD



UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS
WACO DIVISION
www.txwd.uscourts.gov

NOTICE OF ORDERS OR JUDGMENTS Fed. R. Civ. P. 77(d)

Date: 01/30/01

To: Willem G. Schuurman
600 Congress Avenue, Suite 2700
Austin, TX 78702

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Re: Case Number:

6:00-cv-00163

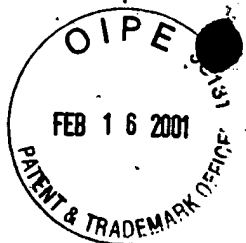
Instrument Number:

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Number of pages including cover sheet:

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FILED

JAN 30 2001

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

CUSTOM PRINTING, INC.

Plaintiff,

v.

NUMO MANUFACTURING
ACQUISITION, INC. and
HOUZE GLASS CORPORATION

Defendants.

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§

ACTION NO. W-00-CA-163

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FINDINGS OF FACT AND ORDER OF DISMISSAL

This matter having come before the Court on the pleadings of record and it being represented that the plaintiff CUSTOM PRINTING, INC. ("CPI"), and the defendants, NUMO MANUFACTURING ACQUISITION INC. ("NUMO"), and HOUZE GLASS CORPORATION ("HOUZE"), have reached final agreement on settlement of the claims made in this action the Court finds the following facts and enters the relief requested.:

FINDINGS OF FACT

1. This Court has personal jurisdiction over CPI, NUMO, and HOUZE and over the subject matter of this action.

2. Michael E. Hicks was employed by Custom Printing, Inc. from approximately December 1989 until December 1996. Mr. Hicks currently works for Numo Manufacturing Acquisition, Inc.

3. Mr. Hicks filed a provisional patent application on March 13, 1998 and later filed a patent application on March 5, 1999. These applications later issued into U. S. Patent No. 6,059,140. Mr. Hicks filed a patent application on January 18, 2000 for a divisional patent. The

Patent and Trademark office advises that this application is going to issue on December 26, 2000 as U.S. Patent No. 6,164,487.

4. At the time of the filing of the applications leading to the issuance of Patent Nos. 6,059,140 and 6,164,487 until approximately August of 2000, Mr. Hicks believed in good faith that he was the original inventor of the subject matter of the '140 Patent and the '487 Patent.

5. Having reviewed certain information provided by CPI, and having considered the requirements for inventorship under United States law, Mr. Hicks now understands that he is not the original inventor of the subject matter of the '140 Patent and '487 Patent. Mr. Hicks made this error in good faith and without any deceptive intent and intended to deceive neither the United States Patent and Trademark Office, nor any other person or entity.

6. Mr. Hicks consents to the removal of his name as an inventor on the '140 Patent and '487 Patent and NUMO agrees to assign any rights, title or interest it has in the '140 Patent and '487 Patent to CPI.

7. Tom Vorderkunz has worked for CPI from September 1993 until the present. Mr. Vorderkunz learned of the '140 Patent sometime after its issuance, and learned of the filing of the '487 Patent during this lawsuit and just prior to its issuance.

8. Mr. Vorderkunz has reviewed the '140 Patent, the '487 Patent and their claims and now believes that under United States law, he is the true and original inventor of the subject matter contained therein. Mr. Vorderkunz's omission as an inventor on the application leading to the issuance of the '140 Patent and '487 Patent was unknown to Mr. Vorderkunz, and Mr. Vorderkunz never intended to deceive either the United States Patent and Trademark Office, nor any other person or entity.

9. Mr. Vorderkunz consents to his name being added as an inventor of the '140 Patent and '487 Patent, and consents to an assignment of any rights, title or interest in the '140 Patent and '487 Patent to CPI.

This matter having come before the Court on the pleadings of record, and it being represented that CPI, NUMO, and HOUZE have reached final agreement on settlement and that this Motion is unopposed, the Court hereby adopts such findings, and **HEREBY ORDERS AND DECREES** as follows:

1. That Michael E. Hicks' name be removed as inventor on U. S. Patent Nos. 6,059,140 and 6,164,487.

2. That Tom Vorderkunz's name be added as an inventor on U. S. Patent Nos. 6,059,140 and 6,164,487.

3. That CPI is the sole and entire owner of all rights, title or interest in U. S. Patent Nos. 6,059,140 and 6,164,487.

4. That each claim against defendants in this lawsuit is hereby dismissed with prejudice based on the settlement reached by the parties.

5. That each party shall bear its own costs and attorneys' fees.

6. Defendants, their parents, subsidiaries and associated companies, and the officers, agents, servants, employees, successors, and assigns of any of them, and all other persons in active concert or participation with any of them who receive actual notice of this Judgment shall not, from December 31, 2000 until March 13, 2018, directly, contributorily or by inducement, make, cause to be made, use or cause to be used, sell or cause to be sold:

- a. any article that is within the scope of any claim of U. S. Patent Nos. 6,059,140 and 6,164,487, either literally or under the doctrine of equivalents.

This section shall not apply to anyone who uses or sells completed and made up insulated beverage jackets made by Defendants and shipped to any customer of Defendants' before December 31, 2000.

SIGNED this 30th day of January, 2000.


UNITED STATES DISTRICT JUDGE

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,059,140
DATED : May 9, 2000
INVENTOR(S) : Michael E. Hicks

It is certified that error appears in the above-identified patent and that said Letters Patent are hereby corrected as shown below:

On the face page, item [75], delete the name and address "Michael E. Hicks, Mesquite, Texas" and insert therefor the name and address --Thomas L. Vorderkunz, Waco, Texas--.

MAILING ADDRESS OF SENDER:

**Timothy S. Corder
Reg. No. 38,414
VINSON & ELKINS LLP
2300 First City Tower
1001 Fannin
Houston, TX 77002-6760**

PATENT NO. 6,059,140

UNITED STATES PATENT AND TRADEMARK OFFICE
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PATENT NO. 6,059,140